

**Environmental Procurement Policy
Expanded Polystyrene (EPS) Foam Food Ware Ban
City of Milpitas**

DRAFT2

Background

At its April 15, 2014 meeting, the City Council approved the Long-term Trash Load Reduction Plan which included achieving reduction levels of 40% by July 1, 2014, 70% in 2017 and no visual impact by 2022. It also established trash control measures to reduce the amounts of trash flowing into local creeks and waterways. One of these measures is to enact an EPS ordinance banning its use as foodware by Milpitas businesses. In preparation of proposing a draft ordinance, staff recommended to RSRAC that the City first adopt an internal policy banning EPS use on City property and at City-sponsored events. At the October 25, 2016 meeting, RSRAC received an update from staff about actions taken to date. This discussion included first proposing a City policy banning EPS foodware in City operations.

In addition, the City has an Environmentally Preferable Procurement Policy that was established in 2002. The purpose of this policy is to ensure procurement of services and products that reduce toxicity, conserve national resources, materials and energy and, maximize recyclability and recycled content.

Expanded Polystyrene (EPS) Foam Food Ware Ban

This document outlines the City of Milpitas policy prohibiting the use of expanded polystyrene (EPS) foam food ware in City facilities and at events held at City facilities. The purpose of this policy is to further the City's litter reduction goals, to support compliance with the City's Environmental Preferable Procurement Policy, and to help protect the health of our community by prohibiting the use of EPS food service ware on all City property.

EPS foam is a petroleum-based, lightweight plastic material commonly used as food service ware by retail food vendors. Often referred to by the trademark Styrofoam, it has become a particularly problematic component of litter because it is non-biodegradable and nearly non-reusable or recyclable. There currently is no meaningful means to recycle or reuse single-use EPS foam food ware, it constitutes a substantial portion of the litter in our region. Numerous studies have documented the prevalence of EPS foam in the environment, including storm drains and in waterways. EPS foam easily breaks down into smaller pieces, floats in water, and is carried by the wind, even when it has been disposed of properly. EPS foam can harm or kill marine animals and birds as they may confuse it as a food source. A way to reduce the prevalence of this pollutant in the environment is to replace it with reusable, compostable or recyclable alternatives. Alternatives to EPS foam food ware are readily available in our region, and the market for these products continues to evolve.

Styrene, a component of EPS foam, is a known hazardous substance that medical evidence and the US FDA suggest leaches from EPS foam containers into food and drink. Styrene is a suspected carcinogen and neurotoxin that potentially threatens human health. Due to these human health and environmental concerns, over 100 cities in the US have banned polystyrene foam food service ware.

Therefore, it is the City's policy to prohibit the use of EPS foam food ware within all City facilities, at city-managed concessions, City-sponsored events, or by any food vendors doing business with the City. This policy applies to both food service provided by the City and food service provided by outside vendors on City property. See below for policy details regarding food service and events.

Food Service on City Property

The City shall not purchase EPS foam food ware, per the City's Environmental Preferable Purchasing Policy. This applies to the City's own purchases of food ware and catering services for its facilities, as well as to any vendors, caterers, or members of the public who sell or distribute prepared food products at City-sponsored events. The City shall use reusable food ware when possible, and must otherwise purchase and use only recyclable or compostable (plastic or paper) food ware, and require them of its vendors. When placing catering or food delivery orders for meetings and events, the City shall remind prepared food vendors of this policy, and request that vendors do not use EPS foam delivery or service items.

Materials Management for Events

The City maintains indoor and outdoor event policies to reduce waste and maximize materials recovery at City-sponsored events. These policies prohibit the use and distribution of EPS foam food ware at City-sponsored events. The City of Milpitas also requires that all events held on City property offer adequate recycling and trash collection services. Meetings and events primarily produce materials that can be recycled. To support successful materials management, the City provides trash and recycling bins inside all of its facility room(s) available for rental. Event organizers are required to ensure that no EPS foam food ware is delivered or used by vendors or guests, and to assist the capture of recyclable materials.